

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
JUNE 5, 1990**

The one thousand six hundred and first meeting of the Milwaukie City Council was called to order at 6:56 PM at the Milwaukie Center with the following Councilmembers present:

Roger Hall,
Mayor
Craig Lomnicki

William Fitzgerald
Chere' Sandusky
Michael Richmond

Also present:

Dan Bartlett,
City Manager
Tim Ramis,
City Attorney
Charlene Richards,
Assistant to the
City Manager
Charles Mansfield,
Police Chief
Maggie Collins,
Community Development
Director

Paul Roeger,
Acting Public Works Director
Anne Nickel,
Development Coordinator
Don Robertson
Parks & Recreation Coordinator
Pat DuVal,
Executive Secretary

CALL TO ORDER

Milwaukie Brownie Troop No. 327 presented the Colors and lead the Pledge of Allegiance.

**PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND
AWARDS**

National Flag Day - Proclamation

Mayor Hall read a proclamation naming June 14 as *Flag Day* and called upon all citizens of the City of Milwaukie to pause on that day for the eleventh annual Pause for the Pledge of Allegiance.

Presentation of Young Milwaukians

Anne Nickel, Development Coordinator, presented 14 sixth graders from seven Milwaukie elementary schools who had been chosen as the 1990 Young Milwaukians.

Presentation by Friends of the Milwaukie Center

Kent Frutiger and **Bob Vial**, representing the Friends of the Milwaukie Center, presented the City a check in the amount of \$10,000 to be used for direct services to the elderly at the Center. **Frutiger** explained the function of the Friends group and described some of the fund-raising activities sponsored throughout the year. The

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Friends group requested that \$5,000 be given to the support of the Information and Referral Service and \$5,000 to support the In-home Services.

Parks and Recreation Department Programs

Don Robertson, Parks and Recreation Coordinator, reported that City staff and OTAK consultants were working on a proposal for future and capital improvement plans for City parks. He said it had been determined that Scott and Ardenwald Parks had the most immediate needs. **Robertson** described the meetings held with City residents, City departments, and OTAK to determine the needs of the surrounding neighborhoods.

Robertson discussed the demolition of Ardenwald Community Club and stated that the cost of acquisition and demolition of the structure was \$6450. **Councilmember Fitzgerald** said he was concerned with vandalism in the Ardenwald neighborhood. **Robertson** said there would be little equipment that could be vandalized in the proposed Ardenwald Park. He added that lighting and vegetation had been proposed to mitigate this vandalism. **Councilmember Sandusky** said she believed a park more visible to neighbors and open to the street would discourage criminal activities. **Robertson** said the neighbors would be asked what they felt was the best solution before any design was finalized.

PUBLIC HEARING

None Scheduled.

AUDIENCE PARTICIPATION

Jim Backenstos, 3626 Harrison, presented his recommendations for the function of the Citizen's Utility Advisory Commission. He also requested that the bills be included in the Consent Agenda. **Backenstos** encouraged prospective candidates for City Council positions to follow their campaign promises.

OTHER BUSINESS

Amendment to Telephone Franchise Agreement - Ordinance, second reading

It was moved by Councilmember Lomnicki and seconded by Councilmember Sandusky to read the ordinance amending an agreement of the franchise with Pacific Northwest Bell Telephone for the second time by title only. Motion passed 3 - 2 with the following vote: Mayor Hall, Councilmember Lomnicki, and Councilmember Sandusky aye; Councilmember Fitzgerald and Councilmember Richmond nay; no abstentions. The ordinance was read for the second time by title only.

It was moved by Councilmember Lomnicki and seconded by Councilmember Sandusky to adopt the ordinance amending an agreement of the franchise with Pacific Northwest Bell Telephone. Motion passed 3 - 2 with the following vote: Mayor Hall, Councilmember Lomnicki, and Councilmember Sandusky aye; Councilmember Fitzgerald and Councilmember Richmond nay; no abstentions.

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ORDINANCE NO. 1681:

AN ORDINANCE OF THE CITY OF MILWAUKIE OREGON,
AMENDING AN AGREEMENT OF FRANCHISE DATED
APRIL 3, 1972 WITH PACIFIC NORTHWEST BELL
TELEPHONE COMPANY.

Municipal Code Amendment Regarding the Water Rate Process - Ordinance,
second reading.

It was moved by Councilmember Sandusky and seconded by Councilmember Fitzgerald to read the ordinance amending the Municipal Code regarding the water rate process for the second time by title only. Motion passed 5 - 0 with the following vote: Mayor Hall, Councilmember Lomnicki, Councilmember Fitzgerald, Councilmember Sandusky and Councilmember Richmond aye; no nays; no abstentions. The ordinance was read for the second time by title only.

It was moved by Councilmember Sandusky and seconded by Councilmember Lomnicki to adopt the ordinance amending the Municipal Code regarding the water rate process. Motion passed 5 - 0 with the following vote: Mayor Hall, Councilmember Lomnicki, Councilmember Fitzgerald, Councilmember Sandusky, and Councilmember Richmond aye; no nays; no abstentions.

ORDINANCE NO. 1682:

AN ORDINANCE AMENDING CHAPTER 13.04 AND 13.20 OF
THE MILWAUKIE MUNICIPAL CODE TO PROVIDE FOR A
REPORT AND RECOMMENDATION BY THE UTILITY RATE
COMMITTEE PRIOR TO ESTABLISHMENT OF WATER
RATES, TO AUTHORIZE ESTABLISHMENT OF A SINKING
FUND AND TO PROVIDE FOR A PUBLIC HEARING IN CASE
OF THE NEED FOR A SUPPLEMENTAL BUDGET.

Consideration of Fee Increase - Resolution

Charles Mansfield, Police Chief, presented the staff report in which the City Council was requested to adopt a resolution revising the current fee schedule for police and fire reports from \$8.50 per report to \$10.00 per report. He said this increase would more accurately reflect the actual labor and material costs associated with the activity. Mansfield said the fee would be consistent with those charged by other police and fire agencies in the area.

It was moved by Councilmember Lomnicki and seconded by Councilmember Richmond to adopt the resolution setting fees for police and fire reports. Motion passed 5 - 0 with the following vote: Mayor Hall, Councilmember Lomnicki, Councilmember Fitzgerald, Councilmember Sandusky, and Councilmember Richmond aye; no nays; no abstentions.

RESOLUTION NO. 17-1990:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MILWAUKIE, OREGON SETTING FEES FOR SERVICES.

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Consideration of Proposed North Clackamas Parks District - Resolution

Charlene Richards, Assistant to the City Manager, presented the staff report in which the City Council was requested to approve a resolution authorizing Clackamas County and the Portland Metropolitan Area Local Government Boundary Commission to include the City of Milwaukie in the proposed North Clackamas Parks and Recreation District. This action would further the process of directing the proposed district to the voters.

It was moved by Councilmember Richmond and seconded by Councilmember Sandusky to adopt the resolution including the City of Milwaukie in a proposed parks district. Motion passed 5 - 0 with the following vote: Mayor Hall, Councilmember Lomnicki, Councilmember Fitzgerald, Councilmember Sandusky, and Councilmember Richmond aye; no nays; no abstentions.

RESOLUTION NO. 18-1990:

A RESOLUTION OF THE CITY OF MILWAUKIE, OREGON, IN THE MATTER OF INCLUDING THE CITY OF MILWAUKIE IN A PROPOSED CLACKAMAS COUNTY SERVICE DISTRICT REGARDING PARKS AND RECREATION IN A PORTION OF CLACKAMAS COUNTY, OREGON.

Consideration of Acceptance of Johnson Creek Sewer Study - Resolution

Paul Roeger, Acting Public Works Director, presented the staff report in which the City Council was requested to adopt a resolution endorsing the final report for the Johnson Creek Area Sanitary Sewer Study. He said DEQ had mandated that a sanitary sewer system must replace onsite sewage disposal systems in the unsewered urban area in North Clackamas County.

It was moved by Councilmember Fitzgerald and seconded by Councilmember Lomnicki to adopt the resolution endorsing the final report for the Johnson Creek Area Sanitary Sewer Study. Motion passed 5 - 0 with the following vote: Mayor Hall, Councilmember Lomnicki, Councilmember Fitzgerald, Councilmember Sandusky, and Councilmember Richmond aye; no nays; no abstentions.

RESOLUTION NO. 19-1990:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE ENDORSING THE FINAL REPORT FOR THE JOHNSON CREEK AREA SANITARY SEWER STUDY BY CLACKAMAS COUNTY.

Consideration of Southern Pacific Easement - Resolution

Paul Roeger, Acting Public Works Director, presented the staff report in which the City Council was requested to adopt a resolution authorizing the City Manager to sign an Easement Agreement with Southern Pacific Transportation Company permitting construction, maintenance, and operation of a 36-inch storm drain under the main line railroad at the east end of Ochoco Street.

Councilmember Richmond asked for documentation of the insurance on this easement. **Phil Grillo**, City Attorney, said that this easement grant would be subject to certification. He suggested that the resolution be amended to state that "the signing by the City Manager would be subject to certification from the insurance company."

It was moved by Councilmember Richmond and seconded by Councilmember Lomnicki to adopt the resolution authorizing the City Manager to sign an easement agreement with Southern Pacific as amended. Motion passed 5 - 0 with the following vote: Mayor Hall, Councilmember Lomnicki, Councilmember Fitzgerald, Councilmember Sandusky, and Councilmember Richmond aye; no nays; no abstentions.

RESOLUTION NO. 20-1990:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO SIGN ON BEHALF OF THE CITY AN EASEMENT AGREEMENT WITH THE SOUTHERN PACIFIC TRANSPORTATION COMPANY WHICH PERMITS THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF A 36-INCH STORM DRAIN CROSSING RAILROAD PREMISES AT THE EAST END OF S.E. OCHOCO STREET SUBJECT TO CERTIFICATION FROM THE INSURANCE COMPANY.

Meeting of Local Contract Review Board - Authorization to Let Bids for Painting of Water Tanks

Roeger presented the staff report in which the City Council was requested to approve the letting of bids for painting the exterior of the steel elevated water tank and the concrete water tank located at 40th and Harvey. He described the details of the proposed project. **Roeger** said the engineer's estimate for the elevated steel tank was \$60,000, and the estimate for the concrete tank was \$30,000. Both projects were in the 1990-91 approved budget.

Backenstos said he would like to see the bids for the project and offered several suggestions for the project. **Bartlett** said safety requirements for this type of project resulted in high costs.

It was moved by Councilmember Sandusky and seconded by Councilmember Richmond to authorize the letting of bids for the painting of both the steel and the concrete water tanks located at 40th and Harvey. Motion passed 5 - 0 with the following vote: Mayor Hall, Councilmember Lomnicki, Councilmember Fitzgerald, Councilmember Sandusky, and Councilmember Richmond aye; no nays; no abstentions.

Consideration of Bid Award for Water Treatment Facilities

Paul Roeger, Acting Public Works Director, presented the staff report in which the City Council was requested to award the bid for water treatment facilities for wells #2, 3, and 5 and well #4 to the apparent low bidders.

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Mayor Hall asked if it had been anticipated that two bids would be received. **Bartlett** said that staff and consultants had structured the bid requests in this manner to add decision making flexibility. **Councilmember Lomnicki** asked how many stripping towers would be constructed. **Roeger** said that one tower per well would be constructed. **Councilmember Richmond** asked if the contractors were prequalified with a performance bond. **Roeger** said both contractors were bondable in excess of the bid amounts.

It was moved by **Councilmember Richmond** and seconded by **Councilmember Lomnicki** to award the bid for wells #2, 3, and 5 to **DaNeal Construction** in the amount of \$535,196.90 and for well #4 to **CEMS, Inc.** in the amount of \$660,916.61. Motion passed 5 - 0 with the following vote: **Mayor Hall, Councilmember Lomnicki, Councilmember Fitzgerald, Councilmember Sandusky, and Councilmember Richmond** aye; no nays; no abstentions.

Consideration of Council Vacancy Selection Procedure

Bartlett explained that **Councilmember Fitzgerald** had asked to withdraw his resignation.

It was moved by **Councilmember Lomnicki** and seconded by **Councilmember Richmond** to accept the resignation withdrawal upon receipt of written request from **Councilmember Fitzgerald**. Motion passed 4 - 0 with the following vote: **Mayor Hall, Councilmember Lomnicki, Councilmember Sandusky, and Councilmember Richmond**; no nays; **Councilmember Fitzgerald** abstained.

Designation of Date for First Regular Council Session of July

It was moved by **Councilmember Richmond** and seconded by **Councilmember Lomnicki** to hold the first meeting of the month of July on July 10 at the **Milwaukie Center**. Motion passed 5 - 0 with the following vote: **Mayor Hall, Councilmember Lomnicki, Councilmember Fitzgerald, Councilmember Sandusky, and Councilmember Richmond** aye; no nays; no abstentions.

JPACT Nomination

Bartlett said that at the previous **Clackamas Cities** meeting that it had been announced that **Wade Byers'** position on **JPACT** had expired. If Council wished, they could make a nomination from the **City of Milwaukie** to present to the **Clackamas Cities** membership.

It was moved by **Councilmember Richmond** and seconded by **Councilmember Sandusky** to nominate **Councilmember Craig Lomnicki** to the vacant position and forward this nomination to the **Clackamas Cities**. Motion passed 4 - 0 with the following vote: **Mayor Hall, Councilmember Fitzgerald, Councilmember Sandusky, and Councilmember Richmond**; no nays; **Councilmember Lomnicki** abstained.

Second Open Letter to Clackamas County from Cities Regarding Law Enforcement

Bartlett said the second open letter to the **County Commissioners** addressed the issue of tax equity. He said this letter suggested a movement toward a service district prior to expiration of the three-year levy. This letter would insist upon more city involvement in the study of the equity issue.

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Mayor Hall said the cities were concerned that the original inequities identified by the Blue Ribbon Committee had not been acted upon by the County. The County maintained that the entire range of services required evaluation before any action was taken.

Bartlett said reverse inequities would probably be difficult for the County to identify. He said the letter was drafted intentionally to be neutral toward the Sheriff's levy on the upcoming ballot.

It was moved by Councilmember Sandusky and seconded by Councilmember Richmond to authorize the Mayor to sign the second open letter from the Clackamas Cities. Councilmember Richmond said he believed the Milwaukie City Council should prepare a letter stating that the County had not addressed tax equity issues as agreed. Motion passed 4 - 1; Mayor Hall, Councilmember Lomnicki, Councilmember Sandusky, and Councilmember Richmond aye; Councilmember Fitzgerald nay; no abstentions.

Discussion of the Sheriff's Levy

Councilmember Lomnicki said he preferred to remain neutral in the Sheriff's Levy. **Councilmember Richmond** said he did not approve of the breaking out of the Sheriff's levy after the failure of the County operating levy. **Councilmember Sandusky** agreed that the City of Milwaukie should remain neutral on the issue. **Councilmember Fitzgerald** said he opposed the levy because the County had not acted upon its promises of three years ago.

It was moved by Councilmember Richmond and seconded Councilmember Lomnicki to write a letter to the Clackamas County Board of Commissioners stating that the City would remain neutral in the issue of the Sheriff's Levy and that the City of Milwaukie did not believe the County had acted upon the recommendations of the Blue Ribbon Committee on Law Enforcement regarding tax equity. Motion passed 4 - 1 with the following vote: Mayor Hall, Councilmember Lomnicki, Councilmember Sandusky, and Councilmember Richmond aye; Councilmember Fitzgerald nay; no abstentions.

CONSENT AGENDA

It was moved by Councilmember Sandusky and seconded by Councilmember Lomnicki to adopt the Consent Agenda which consisted of the City Council minutes of May 15, 1990. Motion passed 5 - 0 with the following vote: Mayor Hall, Councilmember Lomnicki, Councilmember Fitzgerald, Councilmember Sandusky, and Councilmember Richmond aye; no nays; no abstentions.

Mayor Hall announced an Executive Session pursuant to ORS 192.660 immediately following adjournment of the regular session.

ADJOURNMENT

The meeting was adjourned at 8:54 PM.

Pat DuVal

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EXECUTIVE SESSION

In Executive Session, Dan Bartlett, City manager, and Charlene Richards, Assistant to the City Manager reviewed the status of negotiations with IAFF. They also discussed the classification review of AFSCME positions.